

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE Stephanie Fryer	:	CHAPTER 13
	:	
	:	Case No. 17-11826
PNC,	:	
	:	
Movant	:	
	:	
v.	:	
	:	
Stephanie Fryer,	:	
	:	
Respondent	:	

**PLAINTIFF'S RESPONSE TO PNC'S MOTION  
FOR RELIEF FROM THE AUTOMTIC STAY**

**1. Movant is PNC BANK NATIONAL ASSOCIATION.\**

Admitted.

**2. Debtor is the owner of the premises 116 Lincoln Avenue, Yeadon, PA 19050, hereinafter referred to as the mortgaged premises.**

Admitted.

**3. Movant is the holder of a mortgage, original principal amount of \$172,296.00 on the mortgaged premises that was executed on June 30, 2008. Said mortgage was recorded on July 8, 2008 at Book 04396, Page 0380 in Delaware County. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.**

Admitted.

**4. William C. Miller Esq., is the Trustee appointed by the Court.**

Admitted.

**5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor.**

Admitted.

**6. Debtor has failed to make the monthly post-petition mortgage payments in the amount of \$1,222.90 for the months of August 2018 through October 2018.**

Admitted.

**7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.**

Denied. The legal fees are not warranted because there is no equity in the property, or there is only inconsequential equity.

**8. The total amount necessary to reinstate the loan post-petition is \$3,668.70 (plus attorney's fees & costs).**

Admitted in part and denied. Denied that the legal fees are not warranted because there is no equity in the property, or there is only inconsequential equity.

**9. Movant is entitled to relief from stay for cause.**

To the extent that Respondent Debtor may be entitled to a loan modification pursuant to the National Mortgage Settlements. Plaintiff has applied for a loan modification with the mortgage holder servicer for her mortgage. Plaintiff reserves all rights to a loan modification pursuant to any federal law or regulation including but not limited to the National Mortgage Settlement (NMS), United States of America et. al. v. Bank of America et. a., Civil Action Number 12-0361, United States District Court for the District of Columbia.

**10. Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. Movant may contact Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.**

Admitted.

**12. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.**

Admitted.

WHEREFORE, Debtor requests that no relief from the automatic stay be granted without a hearing first.

/s/ Vicki Piontek

10/13/2018

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\_\_\_\_\_  
Date

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**CERTIFICATE OF SERVICE**

A copy of the attached motion was sent by First Class, U.S. Mail, postage pre-paid to the following parties at the following addresses.

Chapter 13 Trustee  
WILLIAM C. MILLER, Esquire  
111 South Independence Mall, Suite 583  
Philadelphia, PA 19106

KML Law Group, P.C.  
Kevin G. McDonald, Esquire  
BNY Mellon Independence Center  
701 Market Street, Suite 5000  
Philadelphia, PA 19106

/s/ Vicki Piontek 10-13-2018

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Date of Service